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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,816	03/05/2002	Masamichi Akashi	03500.016251	3000
5514	7590	11/14/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			HUNTSINGER, PETER K	
			ART UNIT	PAPER NUMBER
			2624	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,816

Applicant(s)

AKASHI, MASAMICHI

Examiner

Peter K. Huntsinger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

DOUGLAS Q. TRAN  
PRIMARY EXAMINER

*Tranlong*

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Objections***

2. Claims 1, 2, 8, 9, 11, 12, 18, 19, and 21-24 are objected to because of the following informalities: The phrase "communication with the computer is made" should be changed to "communication with the computer is **to be** made". This is suggested to show that permission is given before the communication is allowed, as disclosed in the applicant's specification. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21 and 22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The computer program claimed is merely a set of instructions per se. Since the computer program is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is not statutory. See MPEP § 2106

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IV.B.1. Included the limitation, on a computer readable medium, will allow the claims to be statutory.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-6, 11, 13-16, and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fan et al. Patent 6,219,706.

Referring to claims 1, 11, and 21-23, Fan et al. disclose an image processing apparatus (host 6 of Fig. 1, col. 4, lines 39-42) which can communicate with a computer via a network by using a port number allocated in correspondence to a kind of data process and executes an image process in accordance with data from the computer, comprising: address obtaining means for obtaining an address of a transferring source of the data on the basis of the data received from said computer (step 406 of Fig. 4, col. 9, lines 16-22); port number obtaining means for obtaining a port number of a transfer destination of the data on the basis of the data received from said computer (step 406 of Fig. 4, col. 9, lines 16-22); and discriminating means for collating limitation information showing whether the communication with the computer is permitted or not, the address

obtained by said address obtaining means, and the port number obtained by said port number obtaining means and discriminating whether the communication with the computer is made or not (col. 8, lines 38-59), wherein if it is determined that the communication with the computer is made, the data process corresponding to the port number obtained by said port number obtaining means is executed (step 418 of Fig. 4, col. 10, lines 1-6).

Referring to claims 3 and 13, Fan et al. disclose wherein the port number is allocated in correspondence to a kind of job, and when the communication with the computer is made, a process of a job corresponding to the port number obtained by said port number obtaining means is executed (col. 4, lines 61-65).

Referring to claims 4 and 14, Fan et al. disclose wherein in said limitation information, the address, the port number, and permission information showing whether the communication with the computer is permitted or not are made to correspond to each other (col. 1, lines 40-52), and said discriminating means discriminates whether the communication with the computer is made or not on the basis of said permission information corresponding to the address obtained by said address obtaining means and the port number obtained by said port number obtaining means (col. 8, lines 38-59).

Referring to claims 5 and 15, Fan et al. disclose wherein if the address obtained by said address obtaining means and the port number obtained by said port number obtaining means do not correspond to said limitation information, said discriminating means discriminates whether the communication with the computer is made or not in accordance with a preset operation designation (col. 9, lines 41-59).

Referring to claims 6 and 16, Fan et al. disclose receiving means for receiving a connecting request from the computer (local network 4 of Fig. 1, col. 4, lines 42-44); and connection control means for establishing the connection to the computer (firewall 10 of Fig. 1, col. 4, lines 45-55), and wherein said address obtaining means obtains the address of the transferring source of the connecting request on the basis of said connecting request (step 406 of Fig. 4, col. 9, lines 16-22), said port number obtaining means obtains the port number of the transfer destination of the connecting request on the basis of said connecting request (step 406 of Fig. 4, col. 9, lines 16-22), said discriminating means collates said limitation information, the address obtained by said address obtaining means, and the port number obtained by said port number obtaining means and discriminates whether the connection to the computer is established or not, said connection control means establishes the connection to the computer if it is determined that the connection is established (col. 8, lines 38-59), and the data process is executed after the connection to the computer was established by said connection control means (step 418 of Fig. 4, col. 10, lines 1-6).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 as applied to claims 1 and 11, and in further view of IANA Well Known Port Numbers.

Referring to claims 2 and 12, Fan et al. disclose utilizing a TCP and UDP session connection and executing means for executing a process according to the port number obtained by said port number obtaining means executed (step 418 of Fig. 4, col. 10, lines 1-6). Fan et al. do not disclose expressly a print process or an apparatus managing process. The IANA Well Known Port Numbers database teaches a first port number corresponding to a printing process for processing print data (0092 Network Printing Protocol, page 6) and a second port number corresponding to a managing process for processing the apparatus in accordance with command data (0002 Management Utility, page 1). Fan et al. and the IANA Well Known Port Numbers are combinable because they are from the same field of TCP and UDP communication. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to attempt printing and management sessions with the apparatus. The motivation for doing so would have been to remotely print documents or manage the computer from the network. Therefore, it would have been obvious to obtain the invention as specified in claims 2 and 12.

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 as applied to claims 1 and 11, and in further view of Yonenaga et al. Patent 5,646,872.

Referring to claims 7 and 17, Fan et al. disclose an image processing apparatus, but do not disclose expressly the image processing apparatus is a printer. Yonenaga et al. disclose a computer that includes a printer (col. 1, lines 56-67). Fan et al. and Yonenaga et al. are combinable because they are from the same field of computer systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a printer within a computer. The motivation for doing so would have been to increase the portability of a computer-printer system. Therefore, it would have been obvious to combine Yonenaga et al. with Fan et al. to obtain the invention as specified in claims 7 and 17.

9. Claims 8, 9, 18, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706 and Nakagawa et al. Patent 6,530,025.

Referring to claims 8, 18, and 24, Fan et al. disclose an image processing apparatus (host 6 of Fig. 1, col. 4, lines 39-42) which can communicate with a computer via a network by using a port number allocated in correspondence to a kind of data process and executes an image process in accordance with data from the computer, comprising: address obtaining means for obtaining an address of a transferring source of the data on the basis of the data received from said computer (step 406 of Fig. 4, col. 9, lines 16-22); port number obtaining means for obtaining a port number of a transfer destination of the data on the basis of the data received from said computer (step 406 of Fig. 4, col. 9, lines 16-22); and discriminating means for collating limitation information showing whether the communication with the computer is permitted or not, the address

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obtained by said address obtaining means, and the port number obtained by said port number obtaining means and discriminating whether the communication with the computer is made or not (col. 8, lines 38-59 wherein if it is determined that the communication with the computer is made, the data process corresponding to the port number obtained by said port number obtaining means is executed (step 418 of Fig. 4, col. 10, lines 1-6). Fan et al. do not disclose expressly port number notifying means. Nakagawa et al. disclose port number notifying means for, if it is determined that the communication with the computer is made, notifying said computer of the port number corresponding to a designated data process (col. 10, lines 43-47). Fan et al. and Nakagawa et al. are combinable because they are from the same field of authorizing TCP communication systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify a computer of the connection port allotted for communication. The motivation for doing so would have been to inform the communicating computer of the location and corresponding application of the allotted port number. Therefore, it would have been obvious to combine Nakagawa et al. with Fan et al. to obtain the invention as specified in claims 8 and 18.

Referring to claims 9 and 19, Fan et al. disclose allotted permission for communication with a computer but do not disclose expressly permission notifying means. Nakagawa et al. disclose permission notifying means for, if it is determined that the communication with the computer is made, notifying said computer of the fact that the communication is permitted (S5 of Fig. 9, col. 8, lines 45-52); and receiving means for receiving a port number request for requesting that the port number corresponding to

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the designated data process is notified (identified port number, col. 9, lines 16-22), and wherein said port number notifying means notifies the port number corresponding to the designated data process in accordance with said port number request (S5 of Fig. 9, col. 8, lines 45-52). Fan et al. and Nakagawa et al. are combinable because they are from the same field of authorizing TCP communication systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to notify a computer of the whether permission has been granted for communication and the connection port allotted for communication. The motivation for doing so would have been to inform the communicating computer of whether to send further data and the location and corresponding application of the allotted port number. Therefore, it would have been obvious to combine Nakagawa et al. with Fan et al. to obtain the invention as specified in claims 9 and 19.

10. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. Patent 6,219,706, Nakagawa et al. Patent 6,530,025 as applied to claims 8 and 18, and in further view of Yonenaga et al. Patent 5,646,872.

Referring to claims 10 and 20, Fan et al. disclose an image processing apparatus, but do not disclose expressly the image processing apparatus is a printer. Yonenaga et al. disclose a computer that includes a printer (col. 1, lines 56-67). Fan et al. and Yonenaga et al. are combinable because they are from the same field of computer systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include a printer within a computer. The motivation for

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doing so would have been to increase the portability of a computer-printer system.

Therefore, it would have been obvious to combine Yonenaga et al. with Fan et al. to obtain the invention as specified in claims 10 and 20.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wong Patent 6,700,891.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter K. Huntsinger whose telephone number is (571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**DOUGLAS Q. TRAN**  
**PRIMARY EXAMINER**

